

**REMARKS**

Claims 1-14 are pending in the current application. The Examiner rejected Claims 6 and 8-10 and objected to Claim 7. Claims 1-5 and 11-14 are allowed.

**Claim Amendments**

Claim 6 has been amended in response to the Examiner's 35 U.S.C. §112 rejection thereof for containing indefinite language.

**Claim Rejections – 35 U.S.C. §102(b)**

The Examiner rejected Independent Claim 6 and Claims 8-10 depending therefrom under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,345,785 to Sekigami et al. (hereinafter "Sekigami '785"). As illustrated in Figs. 1-3, Sekigami '785 discloses a compressor assembly including housing 1, where a substantial portion of housing 1 comprises a high pressure discharge chamber, a motor including shaft 5 disposed within the discharge chamber, and a compressor including fixed member 2 and orbiting scroll member 3 operably coupled to one end of shaft 5. Sekigami '785 further discloses support plate 12 for supporting the other end of shaft 5 in the high pressure discharge chamber. Plate 12 includes hole 17 for allowing refrigerant to pass through it, where plate 12 and hole 17 are configured to cause a pressure differential on the opposite sides of plate 12.

Applicant respectfully submits that Claim 6 is not anticipated by Sekigami '785. Claim 6 calls for, *inter alia*, a compressor assembly including a bearing support secured within a housing, the housing having a low pressure chamber and a high pressure chamber, the lowermost portion of the bearing support positioned in an oil sump in the *low* pressure chamber, the bearing support including a radially inner shaft support member, a radially outer support member, and a plurality of support *arms* extending between the inner and outer support members. Applicant respectfully submits that Sekigami '785 discloses that plate 12 is located in the *high* pressure discharge chamber, where the compressed refrigerant flows from discharge port 9 through communication hole 17 in plate 12 to discharge pipe 19.

Applicant respectfully submits that Sekigami '785 does not disclose or suggest a bearing support including a plurality of support *arms* extending between inner and outer support members as called for in Claim 6. On the contrary, Sekigami '785 discloses a substantially solid plate 12 for providing bearing support to shaft 5 where plate 12 extends

into an oil sump displacing the oil therein, as illustrated in Figs. 1-3. As discussed in paragraphs [0027] and [0028] of the present application, the plurality of support arms extending between the inner and outer support members, as opposed to a solid plate, reduces the displacement of the oil in the oil sump by the bearing support. As discussed in paragraph [0028], it is advantageous to limit the displacement of the oil within the oil sump because it is desirable to prevent the oil from rising to a level where it impedes with the compressor motor function.

Additionally, Sekigami '785 cannot have support arms as called for in Claim 6. Sekigami '785 discloses that substantially solid plate 12 divides the interior of housing 1 into two chambers each having a different oil level, as illustrated in Fig. 2. The oil level in the stator chamber is controlled by creating a pressure differential across the opposite sides of plate 12. Thus, in order for a pressure differential to exist across plate 12, plate 12 must be substantially solid and cannot have support arms as called for in Claim 6.

For at least the reasons advanced above, Applicant respectfully submits that Independent Claim 6 is not anticipated by Sekigami '785. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of Claim 6 and Claims 8-10 depending therefrom.

#### **Allowable Subject Matter**

Applicant appreciates the indication of allowable subject matter in Claim 7. In view of the arguments advanced above, Applicant respectfully submits that Claim 7 is in condition for allowance with Independent Claim 6 from which it depends. Applicant appreciates the allowance of Claims 1-5 and 11-14.

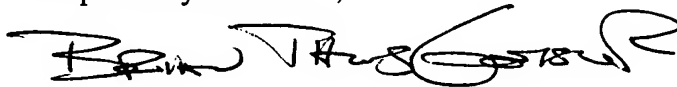
It is believed that the above represents a complete response to the Office Action and reconsideration is requested. Specifically, Applicant respectfully submits that the application is in condition for allowance and such action is earnestly solicited.

In the event Applicant has overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Application Serial No. 10/657,653  
Amendment dated November 30, 2004  
Reply to Office Action dated September 3, 2004

It is requested that the Examiner telephone the undersigned at 260-424-8000 if such would be of assistance in expediting prosecution of the application.

Respectfully submitted,



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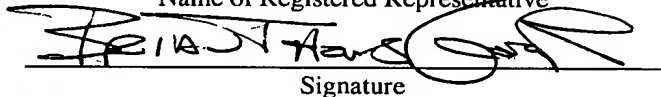
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: November 30, 2004

BRIAN THOMAS GEISLER, REG. NO. 54,115

Name of Registered Representative



Signature

November 30, 2004

Date